

Bloggers And Election Law Experts Agree Support H.R. 1606 Oppose H.R. 4900

Dear Colleague,

Next week the House will return to consideration of H.R. 1606, the Online Freedom of Speech Act. Opponents of H.R. 1606 are promoting an alternative proposal crafted by the Center for Democracy and Technology (CDT) calling itself the Internet Free Speech Protection Act (H.R. 4900). Despite the title, this bill does not protect bloggers, it endangers them. Those who want to keep political speech on the Internet free and open should support H.R. 1606 as written, and oppose any amendment that would add the language of H.R. 4900.

We cannot protect bloggers by subjecting them to regulations promulgated by the Federal Election Commission, yet this is what H.R. 4900 would require. Only H.R. 1606 genuinely protects bloggers by preserving the exemption they enjoyed throughout the last election cycle.

Bloggers and election law experts from both the left and the right understand this, that is why they support H.R. 1606 and oppose H.R. 4900. The comments below demonstrate why passage of H.R. 1606 is the only real way to keep online political activity free of stifling regulation. Links to the full articles from which these excerpts are drawn are accessible on the electronic version of this document, and on the website of the Committee on House Administration (www.cha.house.gov). Please consider these comments, support H.R. 1606 and oppose H.R. 4900 next week.

Sincerely,

Vernon Ehlers

Chairman

Election Law Experts (Republican
and Democrat)

Federal Election Commission Chairman Michael Toner (GOP appointee)

"I am hopeful that Congress will take action to protect the vitality and freedom of online politics. Passage of the Hensarling bill in the House this week would be an important first step."

Source: Roll
Call, "Congress Should Pass Hensarling's Bill on Politics and the Internet," by
Michael Toner, March 14, 2006.

Bob Bauer; Perkins Coie LLP; DNC counsel

Explains that H.R. 4900 "will require, upon passage, a regulatory process: a rulemaking to further define terms and elaborate the scope and meaning of various substantive components of the measure. It does not keep regulation at bay; it invites it. Whereas Hensarling is a clear statement of Congressional intention to resist further regulation of Internet politics, CDT expresses the quite different policy of regulating the Internet by balancing restrictions with allowances and charging the FEC with fresh rulemaking, enforcement and supervisory responsibility."

Source: MoreSoftMoneyHardLaw.com,
"On the Brink of Hensarling: CDT Makes its Case," by Bob Bauer, March 14, 2006.

Former FEC Chairman Brad Smith (GOP appointee)

"What H.R. 1606 does is protect the status quo that has existed since the day McCain-Feingold was passed, from added regulation that Congress probably never intended. Yet none of the horrors the [New York] Times predicts will come about if H.R. 1606 passes has come true in the least. H.R. 1606 is a simple, straightforward measure that preserves the status quo and preserves internet freedom."

Source: RedState.org,
"Smear Campaign against Online Freedom of Speech Act Plods On," by Brad Smith,
March 15, 2006.

Joseph Sandler; Sandler, Reiff & Young, PC; former DNC Counsel

"From the standpoint of party committees, at least, to say that the CDT proposal/H.R. 4900 'expands free speech on the Internet' is nothing short of Orwellian. The bill would be a disaster, plain and simple."

Source: Quote
posted on DailyKos.com, "Supporting a Free Internet," March 15, 2006.

Bloggers (Liberal and
Conservative)

"We write to you again today, from the right and the left, to urge you to support free speech online by passing H.R. 1606 next week. ...We continue to advocate a cautious approach which steers clear of additional regulations until real corruption becomes evident. ... [T]he proposal from the Center for Democracy & Technology [H.R. 4900] ... is a solution in search of a problem which has yet to manifest."

"H.R. 1606 would preserve the status quo which governed the 2004 election cycle and beyond, one in which a vibrant blogosphere empowered millions of citizens to influence national politics, leveling the effect of wealth on the electoral process, and without any of the corruption which its opponents now fear. Its passage would send a strong message to the Federal Election Commission to tread lightly when it comes to the Internet, telling it that Congress does not wish to stifle online citizen participation in the political process."

Source: Letter
sent to House Members by Markos Moulitsas Zúniga and Michael Krempasky, March 9, 2006.

RedState.org

"H.R. 1606 is a simple bill that simply puts into law the existing status quo. It preserves the system under which we operated for the 2004 elections - WHEN THERE WAS NO CORRUPTION OR SCANDAL. It's supported by bloggers left and right. H.R. 4900 (also known as the CDT proposal) is NOT an acceptable alternative to H.R. 1606."

Source: RedState.org,
"Get on the ... Phone," by Michael Krempasky, March 15, 2006.

Skeptics Eye

"H.R. 1606 codifies existing law. We know what life is like with this law. H.R. 4900 introduces a limited and complicated exemption for some internet activity, and presents us with a host of new and seemingly arbitrary thresholds

applicable only to Internet activity."

Source: SkepticsEye.com,
"Prize Fight: 1606 v. 4900," by Allison Hayward, March 13, 2006.

Daily Kos

Kos points out that opponents of H.R. 1606 accused the bill of not being "properly debated" when it was brought up under suspension. He writes: "Sensing a looming defeat, the bill's opponents suddenly get behind the CDT proposal -- which has had NO debate nor committee hearings."

Source: DailyKos.com,
"H.R. 1606, the Debate," by Markos Moulitsas Zúniga, March 15, 2006.

"We support HR 1606. It has been through hearings and fully considered in Committee, as well as in an earlier floor debate, and it is ready to pass. Its passage would be a strong signal to the FEC... [H.R. 4900] accepts as its fundamental premise that citizen activity on the Internet ought to be regulated, and it's just a question of tinkering with the limits to afford optimal protection."

Source: DailyKos.com,
"H.R. 1606: Thursday Is the Vote," by Adam Bonin, Esq., Cozen O'Connor, March 14, 2006.